

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY W. TAM,

No. C 07-2747 SI

Plaintiff,

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING**

v.

JOHN E. POTTER,

Defendant.

In order to better evaluate defendant's motion for summary judgment, the Court directs the parties to answer the following questions. In their responses, the parties may submit supplemental declarations and may indicate the specific location within the factual record of any supporting documents. The parties shall file their responses no later than **July 10, 2008**.

1) Do the 2003 bid sign-up sheets, Tam Decl. Ex. A Int. Ex. 23, represent the vacancy status of Tractor/Trailer Operator ("TTO") positions as of May 2002?

2) Is there any evidence corroborating Mr. Tam's statement that a vacant driver position existed in May 2002 following Mr. Reinoso's death in 2002?

3) Is there any evidence indicating that all of the TTO positions vacant in May 2002 were awarded to part-time drivers?

4) Do the 2005 bid assignment sheets, Tam Decl. Ex. A Int. Ex. 24, represent the vacancy status of TTO positions as of May 2005?

5) Were there any vacant TTO positions in May 2005?


6) Is there any evidence indicating that the all of TTO positions vacant in May 2005 were awarded to part-time drivers?

1 7) Does Tam's electronic reassignment request, Wang Decl. Ex. A Int. Ex. 6 at 2, request
2 reassignment to a full-time TTO position?

3 8) Is there any reason why defendant should value plaintiff's written request for reassignment
4 to a part-time position, Wang Decl. Ex. A Int. Ex. 5, over his electronic request for reassignment to a
5 full-time position?

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7 **IT IS SO ORDERED.**

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9 Dated: June 30, 2008



SUSAN ILLSTON
United States District Judge